



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/235,241	04/29/94	FREUDENBERG	W 5552,116-4070
18M2/0525 FINNEGAN, HENDERSON, FARABOW, GARRETT AND DUNNER 1300 I STREET, N. W. WASHINGTON, DC 20005-3315			EXAMINER ART UNIT PAPER NUMBER 15 1811
DATE MAILED: 05/25/95			

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 12-13-95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input checked="" type="checkbox"/> <u>Interview Summary Form</u>
<u>PTOL-413</u> |

Part II SUMMARY OF ACTION

- ☒ Claims 1-14 are pending in the application.
Of the above, claims — are withdrawn from consideration.
- ☒ Claims 8 have been cancelled.
- ☐ Claims — are allowed.
- ☒ Claims 1-7 and 9-14 are rejected.
- ☐ Claims — are objected to.
- ☐ Claims — are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on —. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on —, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed —, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. —; filed on —.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit 1811

15. Applicant's arguments have been fully considered, but have not been found to be convincing.

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claims 1-7 and 9-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 never recites that factor VIII:C is part of the solution. Factor VIII:C should be recited after "containing" in order to claim it properly as part of the solution.

18. Claims 1-7, 9-12 and 14 are rejected under 35 U.S.C. § 103 as being unpatentable over Meyers et al. (Meyers). Meyers discloses a large scale adaptation of a recently reported glycine precipitation method for the production of Factor VIII:C concentrate. This method includes adding aluminum hydroxide to a glycine buffer to reduce the level of protein contamination in the final preparation. Furthermore, the resultant product was virus-inactivated by the incorporation of the organic solvent and detergent (TNBP and T80) (abstract). At the industrial level, this method gave 185 IU of FVIII:C activity per liter of starting

Serial No. 08/23527/

-3-

Art Unit 1811

plasma, which the Examiner deems to be at least equivalent to Applicants' yield. Although he does not teach a pharmaceutical containing a solution, he does teach that his concentrate is considered to be suitable for clinical use (page 146, column 1, last 3 lines). Thus, the preparation of a solution with Factor VIII:C activity containing a basic amino acid such as glycine and a nonionic detergent containing a high activity for clinical use would have been obvious to one of ordinary skill in the art in the light of Meyer's disclosure.

19. Claim 13 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Any inquiry concerning this communication should be directed to P. Lynn Touzeau, Ph.D at telephone number (703) 308-0196.

PLT 16 May 1995


JILL WARDEN
SUPERVISORY PATENT EXAMINER
GROUP 1800